

108TH CONGRESS  
1ST SESSION

# H. R. 989

To require the issuance of regulations pursuant to the National Invasive Species Act of 1996 to assure, to the maximum extent practicable, that vessels entering the Great Lakes do not discharge ballast water that introduces or spreads nonindigenous aquatic species and treat such ballast water and its sediments through the most effective and efficient techniques available, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 27, 2003

Mr. HOEKSTRA introduced the following bill; which was referred to the  
Committee on Transportation and Infrastructure

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## A BILL

To require the issuance of regulations pursuant to the National Invasive Species Act of 1996 to assure, to the maximum extent practicable, that vessels entering the Great Lakes do not discharge ballast water that introduces or spreads nonindigenous aquatic species and treat such ballast water and its sediments through the most effective and efficient techniques available, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Great Lakes Ecology  
3 Protection Act of 2003”.

4 **SEC. 2. BALLAST WATER TREATMENT REGULATIONS RE-**  
5 **QUIRED.**

6 (a) IN GENERAL.—Section 1101(b) of the Nonindige-  
7 nous Aquatic Nuisance Prevention and Control Act of  
8 1990 (16 U.S.C. 4711(b)) is amended by striking para-  
9 graphs (1) and (2) and inserting the following:

10 “(1) IN GENERAL.—The Secretary of Transpor-  
11 tation shall issue regulations to prevent the intro-  
12 duction and spread of aquatic nuisance species with-  
13 in the Great Lakes.

14 “(2) CONTENTS OF THE REGULATIONS.—The  
15 regulations required by paragraph (1) shall—

16 “(A) ensure to the maximum extent prac-  
17 ticable that ballast water containing aquatic  
18 nuisance species is not discharged into the  
19 Great Lakes;

20 “(B) protect the safety of each vessel, its  
21 crew, and passengers, if any;

22 “(C) apply to all vessels capable of dis-  
23 charging ballast water, whether equipped with  
24 ballast water tank systems or otherwise, that  
25 enter the Great Lakes after operating on waters  
26 beyond the exclusive economic zone;

1 “(D) require such vessels to—

2 “(i) carry out any discharge or ex-  
3 change of ballast water before entering the  
4 Great Lakes; or

5 “(ii) carry out any discharge or ex-  
6 change of ballast water within the Great  
7 Lakes only in compliance with the regula-  
8 tions;

9 “(E) take into consideration different ves-  
10 sel operating conditions;

11 “(F) require the use of environmentally  
12 sound treatment methods for ballast water and  
13 ballast sediments in preventing and controlling  
14 infestations of aquatic nuisance species;

15 “(G) provide for certification by the master  
16 of each vessel entering the Great Lakes that  
17 such vessel is in compliance with the regula-  
18 tions;

19 “(H) assure compliance through—

20 “(i) sampling procedures;

21 “(ii) inspection of records; and

22 “(iii) imposition of sanctions in ac-  
23 cordance with subsection (g)(1);

24 “(I) be based on the best scientific infor-  
25 mation available;

1           “(J) not supersede or adversely affect any  
 2           requirement or prohibition pertaining to the  
 3           discharge of ballast water into the waters of the  
 4           United States under the Federal Water Pollu-  
 5           tion Control Act (33 U.S.C. 1251 et seq.); and

6           “(K) include such other matters as the  
 7           Secretary considers appropriate.”.

8           (b) TREATMENT METHODS DEFINED.—Section 1003  
 9   of such Act (16 U.S.C. 4702) is amended by—

10           (1) redesignating paragraphs (13), (14), (15),  
 11           (16), and (17) in order as paragraphs (14), (15),  
 12           (16), (17), and (18); and

13           (2) inserting after paragraph (12) the following:

14           “(13) ‘treatment methods’ means the treatment  
 15           of the contents of ballast water tanks, including the  
 16           sediments within such tanks, to remove or destroy  
 17           living biological organisms through—

18           “(A) filtration;

19           “(B) the application of biocides or ultra-  
 20           violet light;

21           “(C) thermal methods; or

22           “(D) other treatment techniques approved  
 23           by the Secretary;”.

24           (c) MAXIMIZING PUBLIC PARTICIPATION IN THE  
 25   FORMULATION OF REQUIRED REGULATIONS.—The Sec-

1   retary of Transportation shall maximize public participa-  
2   tion in the issuance of regulations required by the amend-  
3   ment made by subsection (a), by—

4           (1) publishing an advance notice of proposed  
5   rulemaking;

6           (2) publishing the advance notice of proposed  
7   rulemaking and the proposed rule through means  
8   designed to reach persons likely to be subject to or  
9   affected by the regulations;

10          (3) making the text of the advance notice of  
11   proposed rulemaking and of the proposed rule avail-  
12   able through electronic means;

13          (4) providing not less than 120 days for public  
14   comment on the proposed rule;

15          (5) providing for an effective date that is not  
16   less than 30 days after the date of publication of the  
17   final rule; and

18          (6) such other means as the Secretary considers  
19   appropriate.

20   (d) REQUIRED REGULATORY SCHEDULE.—

21          (1) ISSUANCE OF ADVANCE NOTICE OF PRO-  
22   POSED RULEMAKING.—

23           (A) IN GENERAL.—The Secretary shall  
24   issue an advance notice of proposed rulemaking  
25   for the regulations required by the amendment

made by subsection (a) within 120 days after the date of enactment of this Act.

(B) TIMETABLE FOR IMPLEMENTATION.—

The advanced notice of proposed rulemaking shall contain a detailed timetable for—

(i) the implementation of treatment methods determined to be technologically available and cost-effective at the time of the publication of the advanced notice of proposed rulemaking; and

(ii) the development, testing, evaluation, approval, and implementation of additional technologically innovative treatment methods.

(2) ISSUANCE OF FINAL REGULATIONS.—The Secretary shall issue final regulations—

(A) with respect to the implementation of treatment methods referred to in paragraph (1)(B)(i), by not later than 270 days after the date of enactment of this Act; and

(B) with respect to the additional technologically innovative treatment methods referred to in paragraph (1)(B)(ii), by not later than the earlier of—

1                   (i) the date established by the time-  
2                   table under paragraph (1)(B) for imple-  
3                   mentation of such methods; or

4                   (ii) 720 days after the date of enact-  
5                   ment of this Act.

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